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In re Application of	:	OFFICE OF PETITIONS
Shunpei Yamazaki, et al.	:	
Application No. 09/118,010	:	ON PETITION
Filed: July 17, 1998	:	
Attorney Docket No. 0756-1838	:	

This is a decision on the request for reconsideration filed March 12, 2002, which is being treated as a renewed petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 19, 2002¹ in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.²

¹ On March 12, 2002, petitioner submitted a copy of the previously submitted Issue Fee Transmittal Form PTOL-85(b), along with a statement that the issue fee was mailed to the USPTO on the date indicated thereon (i.e., on February 5, 2002). Accordingly, the issue fee shown as having been received by Office finance records in the PTO on February 19, 2002 is accepted as having been timely mailed via certificate of mailing under 37 CFR 1.8(a) on February 5, 2001.

² The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.

Telephone inquiries should be directed to the undersigned at (703) 305-9220.

The application is being forwarded to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114.



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for Patent Examination Policy